

### **REMARKS**

Claims 1-29 and 31 are all the claims pending in the application.

#### **Preliminary Matters**

Applicants thank the Examiner for considering the Information Disclosure Statements filed November 30, 2001, and November 7, 2003. Additionally, Applicants thank the Examiner for indicating that the Formal Drawings filed November 30, 2001, are accepted. However, the Examiner has failed to acknowledge the claim to foreign priority under 35 U.S.C. § 119, or receipt of a certified copy of Japanese Application 2000-365909 filed November 30, 2001.

Applicants respectfully request that the Examiner acknowledge the claim for foreign priority.

#### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 20-22 would be allowed if rewritten in independent form including all the limitations of the base claim and any intervening claims. These claims have been rewritten to include the limitations of any base and intervening claims.

#### **Claim Objections**

Claim 31 is objected to as being dependent upon the wrong base claim. Claim 31 has been amended to depend from claim 29.

#### **Claim Rejections 35 U.S.C. § 103**

##### **Claims 1-12 and 15**

The Examiner rejected claims 1-12 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Freedman et al. (US 5,436,108; hereinafter "Freedman") in view of Gagliardo et al. (US 6,071,021; hereinafter "Gagliardo"). Applicants respectfully traverse this rejection for the reasons set forth below.

The combination forwarded by the Examiner fails to teach or suggest adjusting a temperature and a moisture content of the heated photosensitive material at values falling within predetermined ranges after the latent image is formed, as recited in claim 1. The Examiner concedes this point in the rejection of claims 13, 14 and 16. For example, the Examiner states “Freedman and Gagliardo . . . fail to expressly disclose a pre-development or post-development temperature and moisture content adjusting means for the development processing section. In order to compensate for this deficiency, the Examiner applies Ballegaard et al. However, Applicants respectfully submit that this combination, cited by the Examiner, is invalid for several reasons.

First, the Examiner alleges that these references are combinable because they are from the same field of endeavor, namely, photosensitive image recording apparatuses. To the contrary, Ballegaard relates to a laser image setting apparatus for exposing a film covered with light sensitive material, i.e., forming a latent image (col. 1, lines 6-10), while Gagliardo relates to a system of developing a photosensitive material after the latent image has been formed, i.e. developing the latent image. (col. 2, lines 61-63). The Examiner, in making this rejection, is attempting to blur the fundamentally distinct steps in image development, namely the steps of: (1) exposing a film to form a latent image on a light sensitive material; and (2) developing the latent image so that it is visible. Because these are distinctly different problems, one of ordinary skill in the art would not be motivated to combine Ballegaard with Gagliardo as the Examiner has alleged.

Second, even if one were motivated to make the combination as the Examiner has alleged, the cited combination fails to teach or suggest all the recitations of claims 13, 14 and 16. For example, the cited combination fails to teach or suggest, at least, “adjusting a temperature

and moisture content of the heated photosensitive material at values falling within predetermined ranges after the latent image is formed,” as recited in claim 1.

Ballegaard only teaches the use of an air conditioning system 262, wherein the heating element and/or humidifier are controlled in response to measurements and humidity of the air within the housing. (Fig. 2b, col. 12, lines 8-15). No portion of Ballegaard teaches or suggests controlling the air such that it imparts specific temperature or moisture values within the photosensitive material. Thus, the air conditioning system 262, merely controls the temperature and air within the housing, and does not work to adjust the temperature and moisture content of the photosensitive material at values falling within predetermined ranges as recited.

Thus, Applicants respectfully submit that independent claim 1 is allowable over the applied combination of both Freedman and Gagliardo, and the combination of Freedman and Gagliardo in further view of Ballegaard. Furthermore, rejected claims 2-19, 23-29 and 31 are allowable, at least, by virtue of their dependency.

Claims 13, 14 and 16

The Examiner rejected claims 13, 14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Gagliardo in further view of Ballegaard et al. (US 5,459,505). Applicants respectfully traverse this rejection for the reasons stated above: (1) one of ordinary skill in the art would not make the combination as alleged; and (2) even if combined the combination fails to teach adjusting the temperature and the moisture content of the photosensitive material at values falling within predetermined ranges.

Thus, Applicants respectfully submit that this combination is invalid for the same reasons set forth above, and therefore submits that claims 13, 14 and 16 are allowable for the same reason.

Claim 17

The Examiner rejected claim 17 under 35 U.S.C. § 103 (a) as being unpatentable over Freedman in view of Gagliardo, in further view of Hirabayashi. (US 6,319,657). Applicants traverse this rejection, primarily because Hirabayashi is directed to an image enlargement or reducing treatment, while claim 17 is directed to a gradation or sharpness process.

The Examiner alleges that Freedman and Gagliardo disclose most of the recitations of claim 17, but concedes that they fail to expressly disclose a compensating processing means for compensating for a contribution of a print-out effect. (Office Action, pg. 5). Thus, the Examiner applies Hirabayashi to make up this deficiency. The Examiner states that Hirabayashi discloses an image enlarging or reducing treatment process for the development-processing unit. (Office Action, pg. 5, citing col. 3, lines 48-52 of Hirabayashi).

Applicants respectfully submit that even if one skilled in the art were motivated to combine Hirabayashi with Freedman and Gagliardo, the combination fails to teach or suggest all the recitations of claim 17. For example, the disclosure of Hirabayashi merely discloses an image processing section to conduct an image enlarging or reducing treatment so as to meet the dimensional change before and after thermal development of the photothermographic material. (col. 3, lines 48-52).

Applicants submit that Hirabayashi fails to teach or suggest, at least, “compensation processing means for compensating for a print-out effect, which occurs in accordance with the undeveloped photosensitive silver halide and developed silver halide remaining on the heat-developed photosensitive material,” as recited in claim 17. In contrast to the image processing for a dimensional change, i.e. size of the image, as disclosed in Hirabayashi, claim 17 provides compensation for the undeveloped photosensitive silver halide and developed silver halide,

which is a gradation or sharpness process, i.e. further development of the image. Compensating for dimensional change is not even remotely similar to compensating for undeveloped or developed silver halide. Thus, the cited combination fails to teach or suggest all the features of claim 17.

For at least the above reasons, Applicants submit the rejection of claim 17 is in error and should be withdrawn.

#### Claim 18

The Examiner rejected claim 18 under 35 U.S.C. § 103 (a) as being unpatentable over Freedman in view of Gagliardo in further view of Hirabayashi, in further view of Simons (US 5,418,119). Applicants traverse this rejection for the following reasons.

Even if one skilled in the art were motivated to combine Simons with Hirabayashi, Freedman and Gagliardo, the combination fails to teach or suggest all the recitations of claim 18. The Examiner alleges that the combination of Freedman, Gagliardo and Hirabayashi disclose most of the recitations of claim 18, but fail to disclose a reference region on the photosensitive material to which a predetermined exposure quantity is given. (Office Action, pg. 6). To make up this deficiency, the Examiner applies Simons alleging that it discloses multiple wavelength regions on the photosensitive material in which certain color images can be formed, based on the reflection characteristics of the region. (Office Action, pg. 6).

However, neither Simons nor the interpretation of Simons provided by the Examiner teach or suggest, “a reference region, to which a predetermined exposure quantity is given.” First, Simons suggests a region, but does not indicate in any manner that this is a reference region as recited. Second, Simons fails to teach or suggest any predetermined exposure quantity. Thus, the combination cited by the Examiner fails to teach or suggest all the features of claim 18.

For at least the above reasons, Applicants submit that the rejection of claim 18 is in error and should be withdrawn.

Claim 19

The Examiner rejected claim 19 under 35 U.S.C. § 103 (a) as being unpatentable over Freedman in view of Gagliardo in further view of Hirabayashi, in further view of Schultz (US 4,053,906). Applicants traverse this rejection for the following reasons.

Even if one skilled in the art were motivated to combine Schultz with Hirabayashi, Freedman and Gagliardo, the combination fails to teach or suggest all the recitations of claim 19. The Examiner alleges that Freedman, Gagliardo and Hirabayashi disclose most of the recitations of claim 19, but fail to expressly disclose a light quantity storage means for storing information representing cumulative light quantity of reading light irradiated to the photosensitive material. (Office Action, pg. 7) To cure this deficiency, the Examiner applies Schultz, alleging that it discloses a memory for storing pre-selected information related to the light quantity used for scanning an image from a photosensitive material. (Office Action, pg. 7).

Applicants submit that Schultz fails to disclose, at least, where “reference is made to print-out characteristics with respect to light intensities of reading light,” as recited in claim 19. Schultz clearly fails to address any print-out characteristics as it is directed to the field of cathode ray tube manufacture. (col. 1, lines 29-42). Here, the Examiner has cited a reference that only teaches or suggests a discrete element of the claim, i.e., storing information related to light quantity, but one that fails to address all the limitations of the claim, i.e., reference to print-out characteristics. Thus, the cited combination fails to teach or suggest the features of claim 19.

For at least the above reasons, Applicants submit that the rejection of claim 19 is in error and should be withdrawn.

Claims 23-24 and 25-28

The Examiner rejected claims 23-24 and 25-28 under 35 U.S.C. § 103 (a) as being unpatentable over Freedman in view of Gagliardo, in further view of Sasano (US 6,198,837). Applicants traverse this rejection as follows.

Applicants respectfully submit that even if one skilled in the art were motivated to combine Sasano with Freedman and Gagliardo, the combination fails to teach or suggest all the recitations of claims 25-28.

The Examiner alleges that Freedman and Gagliardo disclose most of the features of claims 25-28, but fail to disclose the photosensitive material where images having predetermined densities can be formed, specific layout or locations for the patch and a development judging means for measuring the density of the image having been formed on the photosensitive material. (Office Action, pg. 9).

To cure this deficiency, the Examiner applies Sasano, alleging that Sasano discloses an identification code appending means for the photosensitive developed film, an image identification code for the image data, and a storage means for storing a plurality of digital image data. In response to this, Applicants propose that Sasano fails to teach or suggest “a patch, on which an image having a predetermined density is capable of being formed,” as recited in each of claims 25-28.

For example, Sasano appears to disclose ID information 2 for indicating a patient ID number in an area surrounding an image 3. (Fig. 1, col. 4, lines 30-36). However, Sasano does not teach or suggest where the ID information has a predetermined density. To the contrary, Sasano implies that the density of this information may vary. For example, Sasano discloses that it may be effective to read the ID information under gradation control so that the gradation

characteristics for the ID section are dynamically controlled so as to make the contrast higher. (col. 12, lines 19-25). This does not indicate there is a predetermined density, only that contrast is maximized during reading. Further, the Examiner has failed to indicate any other portion of Sasano that indicates a predetermined density value for the ID region. Thus, the disclosure of Sasano implies that the density of the ID region varies, and thus, is not set to a predetermined density as recited.

For at least the above reasons, Applicants submit that the rejection of claims 25-28 is in error and should be withdrawn.

#### Claims 29 and 31

The Examiner rejected claims 29 and 31 under 35 U.S.C. § 103 (a) as being unpatentable over Freedman in view of Gagliardo, in further view of Simons. Applicants respectfully traversing this rejection as follows.

Applicants submit that even if one skilled in the art were motivated to combine Simons with Freedman and Gagliardo, the combination fails to teach or suggest all the recitations of claims 29.

For example, Simons fails to teach or suggest, at least, a photosensitive material provided with a magnetic recording layer, on which information is recorded magnetically, as recited in claim 29. The Examiner alleges that Simons discloses a magnetic recording layer on a photosensitive recording medium for which information can be recorded magnetically and a magnetic information recording means. (Office Action, pg. 10)

Contrary to the Examiners allegation, Simons does not disclose a magnetic recording layer. For example, Simons merely discloses an emulsion layer that is intended to record and



after processing, is capable of reflecting electromagnetic radiation within at least one wavelength region. This is an electromagnetic radiation recording layer, not a magnetic recording layer. Electromagnetic radiation is a kind of radiation including visible light, radio waves, gamma waves and X rays. (Oxford English Dictionary). Thus, it is not inherent within the disclosure of Simons that this layer is a magnetic recording layer.

For at least the above reasons, Applicants submit that the rejection of claim 17 is in error and should be withdrawn. Claim 31 is allowable, at least by virtue of its dependency on claim 29.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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